Patent Application
Docket No. INN.123
Serial No. 10/537,394

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	Michael J. Teale
Art Unit	:	1614
Applicants	:	Francois Romagne, Helene Sicard, Jerome Tiollier, Christian Belmant
Serial No.	:	10/537,394
Filed	:	June 2, 2005
For	:	Compositions and Methods for Regulating an Immune Response in a Subject

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF FRANCOIS ROMAGNE, HELENE SICARD, JEROME TIOLLIER AND CHRISTIAN BELMANT UNDER 37 C.F.R. §1.131

Sir:

Francois Romagne, Helene Sicard, Jerome Tiollier and Christian Belmant declare:

1. That we are co-inventors of the invention disclosed and claimed in U.S. Application Serial No. 10/537,394;

2. That said invention was conceived and reduced to practice on, or before, July 8, 2002 (the critical date) in France;

3. That we conceived and reduced to practice methods for treating methods of treating solid tumors, such as renal cell carcinoma, using the claimed compounds, such as 3-(bromomethyl)-3-butanol-1-yl-diphosphate (BrHPP) to induce γδ T-cells in and individual having a solid tumor; and

4. That Exhibit 1 contains a copy of a document establishing that the inventors conceived of a method of treating a solid tumors comprising the administration of a composition γδ cell activator, such as BrHPP, in a pharmaceutically acceptable carrier and administering such a compositon to a subject having a solid tumor (e.g., renal cell carcinoma). Dates and other confidential information have been redacted from the attached exhibit; however, the document and experimental data disclosed therein was prepared on or prior to the critical date of July 8, 2002.

We hereby further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Further, Declarants sayeth not.

By: _____ Date: 17 Nov. 08
François Romangne

By: _____ Date: 17 Nov. 08
Helene Sicard

By: _____ Date: 17 Nov 08
Jerome Tollier

By: _____ Date: 17-Nov-2008
Christian Belmant

Attachment: Exhibit 1; Laboratory data

EXHIBIT 1

A PHASE I/II DOSE RANGING TOLERANCE STUDY OF INNACELL GD IN COMBINATION WITH A FIXED DOSE OF IL-2 IN PATIENTS WITH METASTATIC RENAL CELL CARCINOMA

SPONSOR	**innate** pharma ® [redacted] *Chief Executive Officer* Grand Pré, 119-121 Ancien Chemin de Cassis 13009 Marseille Tel : 04-96-19-05-50 Fax : 04-96-19-05-55
MEDICAL MONITOR	[redacted] Consultant INNATE PHARMA
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PRINCIPAL INVESTIGATOR	[redacted] Department : Oncologie Médicale Centre [redacted] Centre [redacted] Site Hospitalier [redacted] [redacted] Tel: [redacted] Fax: [redacted] e-mail:
CO-INVESTIGATORS	[redacted] Department : Oncologie Médicale

[redacted] Committee
DATE OF ETHICS COMMITTEE APPROVAL:

Protocol number : [redacted]

[redacted] [redacted]

TABULATED SYNOPSIS/ OUTLINE PROTOCOL

Study title	*A PHASE I/II DOSE RANGING TOLERANCE STUDY OF INNACELL GD IN COMBINATION WITH A FIXED DOSE OF IL-2 IN PATIENTS WITH METASTATIC RENAL CELL CARCINOMA*
Investigator site	*National, monocenter study* [redacted]
Phase	*I/II*
Indication	*Metastatic Cell Renal Carcinoma*
Objectives ▪ *Primary*	Determination of the tolerance of escalating doses of INNACELL GD alone and in combination with a fixed dose of IL-2 in patients with metastatic renal cell carcinoma (MRCC).
▪ *Secondary*	Biological effect assessment of the co-treatment with IL-2 evaluated [redacted] by immunomonitoring [redacted]
Study design	Open, non randomized phase I/II study The study consists of [redacted] infusions [redacted] of INNACELL GD, [redacted] [redacted] ▪ [redacted] ▪ [redacted] A classical clinical phase I dose escalating scheme has been designed, [redacted]

[redacted] [redacted]

Study population	[redacted]
Sample Size	10 to 16 patients [redacted]
Study treatment	INNACELL GD is manufactured *in vitro* from an autologous mononuclear cell preparation, after a single stimulation by BrHPP [redacted]

[redacted]

- [redacted]
- [redacted]
- [redacted]

5. TREATMENTS

5.1 Investigational treatment

5.1.1 Cell Therapy Medicinal Product

The treatment consists of a Cell Therapy Medicinal Product (PTC) named INNACELL GD. INNACELL GD is manufactured, *in vitro*, from an autologous mononuclear cell preparation, following one single stimulation by BrHPP [redacted]